



WISCONSIN LEGISLATIVE COUNCIL

PROBLEM-SOLVING COURTS, ALTERNATIVES, AND DIVERSIONS

Room 411 South
State Capitol

July 22, 2014
10:00 a.m. – 3:30 p.m.

[The following is a summary of the July 22, 2014 meeting of the Study Committee on Problem-Solving Courts, Alternatives, and Diversions. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.wisconsin.gov/lc>.]

Call to Order and Roll Call

Chair Bies called the meeting to order. The roll was called and a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Garey Bies, Chair; Rep. Evan Goyke, Vice Chair; Sen. Robert Wirth; Reps. Warren Petryk and Dale Kooyenga; and Public Members Carol Carlson, Troy Cross, Tony Gibart, Matthew Joski, Elliott Levine, Joann Stephens, Kelli Thompson, Mary Triggiano, and Michael Waupoose.

COMMITTEE MEMBERS EXCUSED: Rep. Chris Taylor and Public Member Jane Klekamp.

COUNCIL STAFF PRESENT: Chad Brown, Staff Attorney; and Laura Rose, Deputy Director.

APPEARANCES: Michelle Cern, Director of State Courts Office; Kit Van Stelle, University of Wisconsin School of Medicine and Public Health; Tony Streveler, Department of Corrections; Sheila Malec, Kenny Chaney, and Robert Bergeron, Eau Claire County Mental Health Court; Annie Levknecht, Outagamie County Mental Health Court and Veterans Court; Melissa Giebel, Calumet County Domestic Violence Court, and Danna Hibbard, Calumet County Department of Corrections; Judge Michael Piontek, Maureen Martinez, Margaret Johnson, Jennifer Hofmeister, Jennifer Madore, and David Kagabitang, 2nd Judicial District of Wisconsin Veterans Treatment Court; Richard Bryant and John Springer, Dane County Drug Court; and Aaron Ramsey, Dane County OWI Court.

Approval of the Minutes of the Special Committee's June 25, 2014 Meeting

Representative Petryk moved, seconded by Vice-Chair Goyke, to approve the minutes of the June 25, 2014 meeting. The motion passed on a voice vote.

Presentations by Invited Speakers

Links to the PowerPoint presentations of the speakers may be found on the committee's website [<http://docs.legis.wisconsin.gov/misc/lc/study/2014/1190>].

Michelle Cern, Statewide Problem-Solving Courts Coordinator, Director of State Courts Office

Michelle Cern, Statewide Problem-Solving Courts Coordinator, Director of State Courts Office, presented information on problem-solving court initiatives in Wisconsin. She described the number of problem-solving courts in Wisconsin, outlined the growth in that number in recent years, and showed the geographic distribution of these courts in the state. Ms. Cern discussed the role and activities of the Wisconsin Supreme Court Planning and Policy Advisory Committee, as well as the role and activities of the Wisconsin Association of Treatment Court Professionals, the Statewide Criminal Justice Coordinating Committee, and other initiatives at the state level to develop problem-solving courts. She discussed funding of problem-solving courts and provided recommendations to the committee on ways to improve the courts moving forward.

Ms. Thompson noted the cooperation of a variety of parties in the problem-solving court process and asked if there were any gaps to be addressed. Ms. Cern indicated that courts tended to adapt at the local level, but that educating the public could be an area of increased focus.

Mr. Cross asked whether funding could be considered a gap in problem-solving courts, and Ms. Cern agreed that it could. She noted that Treatment Alternatives and Diversion (TAD) grants do not fund all programs or all program applicants.

Ms. Carlson asked whether training was being set up in a manner consistent with evidence-based practices. Ms. Cern explained that some county teams may not be adequately prepared and trained, and suggested that there is a need for a deliberative planning process before launching a treatment court.

Kit Van Stelle, Principal Investigator, University of Wisconsin Population Health Institute, University of Wisconsin School of Medicine and Public Health

Ms. Van Stelle shared the results of the recently updated outcomes and cost-benefit analysis encompassing seven years of TAD activity across nine TAD counties. The study analyzed the demographics and outcomes of participants in TAD programs, including an examination of incarceration days avoided and recidivism. The study found that TAD programs had a positive impact on both of those measures, and that every \$1.00 invested in TAD yielded benefits of \$1.96 to the criminal justice system through averted incarceration costs. Ms. Van Stelle then made recommendations for modifications of the program going forward, which included continued collaboration among treatment court professionals; continuing the TAD Advisory Committee; development of an integrated, web-based data system; and obtaining legislative support for TAD administration and evaluation.

Ms. Van Stelle said that data from the most recent evaluation focused on participation by opiate users and drunk drivers. In response to other questions, Ms. Van Stelle said that a cost benefits analysis may not provide a complete picture of a court's success. She also noted that there was no data on success rates of county-operated versus nonprofit programs.

Representative Petryk inquired as to the usefulness of the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) tool in the alternative courts. Ms. Van Stelle answered that the COMPAS tool is commonly used and effective.

Chair Bies noted that the cost savings reported were limited to those costs in the justice and corrections systems, and asked if there were other cost savings that were not listed in this study. Ms. Van Stelle explained that limitations in availability of employment data prevented inclusion of additional benefits realized by employment taxes, and that this and other data limitations make the savings estimates conservative.

Ms. Triggiano noted that additional savings are realized by a reduction of likelihood that the children of offenders will offend, but that these cost savings are not reflected in the study.

Tony Streveler, Executive Policy Advisor, Department of Corrections

Tony Streveler, Executive Policy Advisor, Department of Corrections, presented Wisconsin corrections data, including the types of crimes for which people are incarcerated, demographics of the prison population, and trends in these figures.

Following his presentation, Mr. Streveler responded to questions from the committee regarding the methodology of the study. Ms. Thompson asked what percentage of the prison population has mental health needs. Mr. Streveler said that 70% of the male prison population has a mental health need, and that he did not have data on the female prison population.

There was discussion on the percentage of prison inmates incarcerated due solely to drug offenses and due solely to OWI offenses. Mr. Streveler said he would get that data for the committee.

Ms. Triggiano noted that it would be useful to look at juvenile justice system data, to be able to examine trends since the implementation of juvenile justice incarceration alternatives.

In response to a question from Ms. Thompson about the role of COMPAS, Mr. Streveler said that this tool is important for assessing the risks and needs of the offenders. He noted that the justice system could place a lot more people in the community than it currently does.

Sheila Malec, Coordinator, and Kenny Chaney and Robert Bergeron, program participants, Eau Claire County Mental Health Court

Ms. Malec described the history of mental health in the adult criminal justice system, and of the Eau Claire County Mental Health Court. She explained the process for intake and assessment, and made suggestions for ways to improve the mental health court system statewide.

Mr. Kenny Chaney and Mr. Robert Bergeron described the circumstances leading up to their involvement with the court system and the Eau Claire County Mental Health Court. They spoke about their experiences in the program, their successes, and their prospects for moving forward upon completion of the program.

Annie Levknecht, Outagamie County Mental Health Court and Veterans Court

Ms. Levknecht described the Outagamie County problem-solving courts, and discussed state-level resources related to it. She described the different phases of the program, and discussed program priorities. She emphasized the need to devote sufficient time for program planning prior to submitting a grant for funding.

Mr. Levine asked about the intake determination in cases involving co-occurring disorders, and Ms. Malec explained that a thorough record review was performed to determine the best treatment and diagnosis fit.

Ms. Stephens asked about the program's connection with peer support services. Ms. Malec indicated that peer support was a connection that they are in the process of developing.

Melissa Giebel, Calumet County Domestic Violence Court, Harbor House Domestic Abuse Program, and Danna Hibbard, Department of Corrections

Ms. Giebel presented the committee with information regarding the Calumet County Domestic Violence Court. She noted some of the challenges faced by their small county, including no funding for the court programs and the lack of treatment providers and transportation. She noted the positive aspect of the program is collaboration. Ms. Hibbard explained the referral process, and indicated that the program would benefit from a coordinator.

Mr. Cross asked about numbers served by the court, as well as funding options. Ms. Giebel said the court serves about a dozen offenders at a time. She added that she lacked time to devote to obtaining additional program funding, due to her multiple program responsibilities.

Ms. Triggiano described the Milwaukee County Domestic Violence court and noted the differing resources of small and large counties.

Judge Michael Piontek, Maureen Martinez, Margaret Johnson, Jennifer Hofmeister, Jennifer Madore, and David Kagabitang, 2nd Judicial District of Wisconsin Veterans Treatment Court

Judge Piontek presented the committee with information regarding the 2nd Wisconsin Judicial District Veterans Court. The group presented information regarding eligibility and demographic data relating to those served by the court. They discussed the history of the drug court, as well as reasons for developing alternative justice procedures for veteran populations. They also described the training process for drug court personnel.

Representative Kooyenga asked if this should be considered preferential treatment or tailored treatment, to which Judge Piontek replied that it was both. Judge Piontek indicated that the program better met the needs of a veteran population, and was also a way to provide a benefit to those who have served in the armed forces.

Mr. Gibart asked about the intake and assessment process. Mr. Kagabitang explained that the Veterans Administration (VA) uses the Addiction Severity Index to assess those who are eligible for VA benefits. Ms. Hofmeister explained that for those not entitled to VA benefits, the court conducts a clinical interview to determine risk factors and AODA issues.

Mr. Cross asked how the court addresses those veterans who are not residents of one of the three counties in the district, and Judge Piontek explained that they are not eligible for the program, but may be referred to a comparable program in their county of residence if one is available.

Ms. Thompson asked if there were any issues that could be addressed statewide. Judge Piontek indicated that more reliable and predictable funding would be helpful.

Case Manager Richard Bryant of the Dane County Drug Court, John Springer, Dane County Drug Court Participant, and Aaron Ramsey, Dane County OWI Court Participant

Mr. Springer and Mr. Ramsey discussed their participation in the Dane County alternative court system and the outcomes they had achieved as a result of it. Mr. Bryant explained the process for review and intake, and indicated that the opportunity for expungement would provide valuable added incentive for participants.

Discussion of Committee Assignment

Representative Bies discussed the committee's charge and asked if there was any additional information the committee needed in order to be able to suggest options.

Mr. Levine expressed an interest in knowing how other states manage funding and training, and indicated an interest in exploring ways of getting buy-in from all necessary parties.

Mr. Waupoose expressed an interest in obtaining evaluation data on mental health courts, and hearing from a tribal court representative.

Legislative Council staff requested members to prepare suggested options and to forward them to the Legislative Council by Friday, August 1, 2014.

Other Business

Chairperson Bies said that members would be receiving an online scheduling poll within the next few days to establish the date for the August committee meeting.

Adjournment

The meeting was adjourned at 3:30 p.m.

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